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December 1, 2003

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TO: Examiner Stephen Gucker

GROUP: 1642⁷

FAX NUMBER: 703-308-4242

ATTORNEY DOCKET NO.: PTQ-0027

SERIAL NO.: 09/115,589

FILED: July 15, 1998

NUMBER OF PAGES: 24

**COURTESY COPY OF RESPONSE TO TELEPHONE INTERVIEW OF
NOVEMBER 21, 2003 AND NOTICE OF APPEAL. ALSO FILED VIA
FACSIMILE TO TC1600 FAX NUMBER 703-872-9307.**

MESSAGE: Attached please find Combined Amendment & Petition for Extension of Time Transmittal Letter (in duplicate); Notice of Appeal (in duplicate); Authorization to charge deposit account a total of \$640.00; \$165.00 for Notice of Appeal fee and \$475.00 for three (3) month extension of time fee; and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

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* * * * *

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USPTO 12/1/2003 12:21 PM PAGE 1/001 Fax Server
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Licata & Tyrrell P.C. 66 E. Main Street Marlboro, New Jersey			
Tel: (856) 810-1515 Fax: (856) 810-1454			
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PAGE 021 * RCVD AT 12/1/2003 12:14:52 PM [Eastern Standard Time] * SVR:USPTO-EF-XRF-41 * DNIS:776800 * CSID:856 810 1454 * DURATION (mm-ss):05-18			

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001

* TX REPORT ***

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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**Docket No.
PTQ-0027

In Re Application Of: Van Eyk et al.

Serial No.
09/115,589Filing Date
July 15, 1998Examiner
Gucker, StephenGroup Art Unit
1647

Invention: Methods of Diagnosing Muscle Damage

TO THE COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated May 30, 2003 finally rejecting Claim(s) 1-4, 6-28 and 53-55

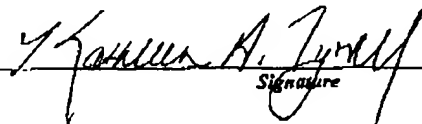
Applicant is a small entity under 37 CFR 1.9 and 1.27.

A verified statement of small entity status under 37 CFR 1.27:

- ☐ is enclosed.
- ☒ has already been filed in this application.

The fee for this Notice of Appeal is: \$165.00

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1619


Signature

Dated: December 1, 2003

Kathleen A. Tyrrell, Reg. No. 38,350

Licata & Tyrrell P.C.
66 East Main Street
Marlton, New Jersey 08053
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Fax: 856-810-1454

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

P13SMALL/REV06